

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

FEDERAL DEPOSIT INSURANCE  
CORPORATION, as Receiver of Heritage  
Community Bank,

Plaintiff,

v.

JOHN M. SAPHIR; PATRICK G. FANNING,  
STEPHEN L. FAYDASH; WILLIAM E. HETLER;  
THOMAS JELINEK; LORI A MOSELEY;  
STEPHEN ANTHONY; JERRY C. BRUCKER;  
JAMES K. CHAMPION; ANDREW B. NATHAN;  
and MARY C. MILLS,

Defendants.

Case No. 10 C 7009

Judge Pallmeyer

**DEFENDANT SAPHIR'S UNOPPOSED MOTION TO SET JANUARY 24, 2011 AS  
DATE FOR ALL DEFENDANTS TO RESPOND TO PLAINTIFF'S COMPLAINT**

Defendant John M. Saphir ("Saphir") respectfully moves the Court for an Order setting January 24, 2011 as the date by which all Defendants shall respond to the Complaint of Plaintiff, the Federal Deposit Insurance Corporation, as Receiver for Heritage Community Bank (the "FDIC"). All other Defendants have agreed to Saphir's Motion, which is unopposed by Plaintiff. The grounds for Saphir's Motion are as follows;

1. The FDIC filed the present Complaint on November 1, 2010.
2. All Defendants executed waivers of summons.
3. Based upon the different dates that Plaintiff mailed requests for waivers, the current dates for each Defendant to respond to the Complaint are as follows:

a. Stephen Anthony January 10, 2011;

- b. Jerry Brucer January 3, 2011;
- c. James K. Champion January 10, 2011;
- d. Patrick Fanning January 18, 2011;
- e. Stephen Faydash January 11, 2011;
- f. William H. Hetler January 11, 2011
- g. Thomas Jellinek January 3, 2011;
- h. Mary E. Mills January 13, 2011;
- i. Lori A. Mosley January 31, 2011
- j. Andrew B. Nathan January 7, 2011
- k. John M. Saphir January 3, 2011;

4. Defendants submit, and Plaintiff does not disagree, that it would be more logical and efficient to have a common date for all Defendants to respond to the Complaint and have proposed January 24, 2011. Plaintiffs does not object to this date, which provides a short extension of time for most Defendants and reduces the time for one of them to respond to the Complaint.

WHEREFORE, Defendant John M. Saphir, with the consent of all other Defendants and without opposition from Plaintiff, asks the Court to set January 24, 2011, as the date for all Defendants to respond to the Complaint.

By: /s/John M. George, Jr.  
One of His Attorneys

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